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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,871	02/09/2004	Brant L. Cadelore	SNY-T5714.02	8806
24337	7590	03/05/2008	EXAMINER	
MILLER PATENT SERVICES 2500 DOCKERY LANE RALEIGH, NC 27606			SCHNURR, JOHN R	
		ART UNIT		PAPER NUMBER
		2623		
		MAIL DATE	DELIVERY MODE	
		03/05/2008	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/774,871	CANDELORE ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	John R. Schnurr	2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 December 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 8-12, 15-18, 28-35 and 58-64 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 8-12, 15-18, 28-35 and 58-64 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 February 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/14/2008</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/13/2007 has been entered.
2. The information disclosure statement (IDS) submitted on 01/14/2008 was considered by the examiner.

### *Response to Arguments*

3. Applicant's arguments with respect to claims 8, 9-12, 15-18, 28-35 and 58-64 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9, 10, 16, 29, 32, 33, 58, 60, 63 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sprunk (US Patent Application Publication 2004/0123094) in view of Chen et al. (US Patent 5,917,830), herein Chen, and further in view of Lu (US Patent Application Publication 2002/0157115).

Consider **claim 63**, Sprunk clearly teaches manipulating a stream of data in a device. The device receives a multiple selectively encrypted stream of data, comprising first and second encrypted packets being encrypted under differing encryption methods and clear packets. (**Fig. 10: Decryption processor 700 receives unencrypted packets, encrypted packets for a native conditional access system and encrypted packets for a foreign conditional access system, [0043].**) The device selects the native encrypted packets and discards the foreign encrypted packets (**Fig. 10 [0044]**) then decrypts the selected encrypted packets (**Fig. 10 [0045]**) and reassembles the unencrypted packets with the decrypted packets to produce a stream of data. (**Fig. 10: Reassembler 708 receives the unencrypted packets and decrypted packets and produces a useable stream, [0045].**)

Sprunk further teaches the received stream is an MPEG stream made up of different packet types. However, Sprunk does not explicitly teach identifying the different packet types using different PIDs, remapping the PIDs to create a reassembled stream and re-encrypting the decrypted packets.

In an analogous art, Chen, which discloses a system for manipulating MPEG data, clearly teaches identifying different packet types using PIDs (**column 7 lines 22-24**), remapping PIDs to create a reassembled stream (**column 6 lines 33-40**) and re-encrypting the decrypted packets. (**column 5 lines 41-44**)

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Sprunk by identifying the packet types using PIDs, remapping the PIDs and re-encrypting the decrypted packets to create an output stream, as taught by Chen, for the benefit of combining two streams of data without requiring decompression (column 1 lines 55-59 Chen).

However, Sprunk combined with Chen does not explicitly teach the device for manipulating a stream of data is a CableCARD.

In an analogous art, Lu, which discloses a CableCARD device, clearly teaches having enhanced capabilities beyond the standard features normally found in a CableCARD device. (**[0033], [0037] and [0041]**)

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Sprunk combined with Chen by separating the decoding system from a STB and placing it onto a CableCARD device, as taught by Lu, since it has been held that the mere fact that a given structure is integral does not preclude its consisting of various elements. *In re Nerwin*, 168 USPQ 177, 179 (PTO Bd. of Int. 1969).

Consider **claim 9**, Sprunk combined with Chen and Lu, as in claim 63, clearly teaches the remapping comprises remapping packets to substitute packets in the stream of data on a packet for packet basis. (**column 8 lines 1-5 Chen**)

Consider **claim 10**, Sprunk combined with Chen and Lu, as in claim 63, clearly teaches the remapping comprises remapping packets to provide for insertion of a packet into the stream of data. (**column 8 lines 1-5 Chen**)

Consider **claim 16**, Sprunk combined with Chen and Lu, as in claim 63, clearly teaches the remapping is carried out after the decrypting. (**Fig. 1: Storage unit 135 may be a DVD, which stores encrypted data, column 4 lines 41-44, the inserted message is a compressed digital packetized stream, column 4 lines 63-65, therefore decryption must have taken place before the remapping.**)

Consider **claim 64**, see claim 63.

Consider **claim 29**, see claim 16.

Consider **claim 32**, see claim 9.

Consider **claim 33**, see claim 10.

Consider **claim 58**, Sprunk combined with Chen and Lu, as in claim 63, clearly teaches the limitations common to claims 58 and 63. Chen further teaches remapping packets to substitute packets in the stream of data on a packet for packet basis. (**column 8 lines 1-5 Chen**)

Consider **claim 60**, see claim 16.

6. Claims **8, 18, 28, 31 and 62** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sprung (US Patent Application Publication 2004/0123094)** in view of **Chen et al. (US Patent 5,917,830)** and further in view of **Lu (US Patent Application Publication 2002/0157115)**, as applied to claims 58, 63 and 64 above, and further in view of **Safadi (US Patent 6,883,050)**.

Consider **claims 8, 18, 28, 31 and 62**, Sprunk combined with Chen and Lu, as in claims 58, 63 and 64, clearly teaches a method of manipulating a stream of data in a CableCard device.

However, Sprunk combined with Chen and Lu does not explicitly teach the CableCard being OpenCable compliant.

In an analogous art Safadi, which discloses a system for interfacing a POD and a host device, clearly teaches using an OpenCable compliant POD. (**Column 2 lines 16-33**)

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Sprunk combined with Chen and Lu by using an OpenCable compliant POD, as taught by Safadi, for the benefit of allowing fast efficient data sharing between the POD and host (see column 2 lines 32-33 Safadi).

7. Claims 11, 12, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sprunk (US Patent Application Publication 2004/0123094)** in view of **Chen et al. (US Patent 5,917,830)** and further in view of **Lu (US Patent Application Publication 2002/0157115)**, as applied to claims 63 and 64 above, and further in view of **Hodges et al. (US Patent Application Publication 2003/0046687)**, herein Hodges.

Consider **claims 11, 12, 34 and 35**, Sprunk combined with Chen and Lu, as in claims 63 and 64, clearly teaches a method of manipulating a stream of data in a CableCard device by replacing packets.

However, Sprunk combined with Chen and Lu does not explicitly teach inserting multiple packets for one packet or one packet for multiple packets.

In an analogous art Hodges, which discloses a system for manipulating digital programming, clearly teaches inserting multiple packets for one packet or one packet for multiple packets. (**Substitute content can be of any duration, [0024]**)

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Sprunk combined with Chen and Lu by inserting multiple packets for one packet or one packet for multiple packets, as taught by Hodges, for the benefit of substituting content without affecting production quality (see [0003]-[0006]).

8. Claims 15, 17, 30, 59 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sprunk (US Patent Application Publication 2004/0123094) in view of Chen et al. (US Patent 5,917,830) and further in view of Lu (US Patent Application Publication 2002/0157115), as applied to claims 58, 63 and 64 above, and further in view of Hobrock et al. (US Patent Application Publication 2004/0247122), herein Hobrock.

Consider claims 15, 17, 30, 59 and 61, Sprunk combined with Chen and Lu, as in claims 58, 63 and 64, clearly teaches a method of manipulating a stream of data in a CableCard device, wherein the packets to be remapped come from an encrypted source. (**Fig. 1: Storage unit 135 includes DVDs, column 4 lines 41-44 Chen.**)

However, Sprunk combined with Chen and Lu does not explicitly teach remapping encrypted packets.

In an analogous art Hobrock, which discloses a system for decrypting encrypted transport streams, clearly teaches remapping encrypted packets. ([0061]-[0062])

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Sprunk combined with Chen and Lu by remapping encrypted packets, as taught by Hobrock, for the benefit of decoding multiple transport streams using a single decoder (see [0047]-[0048] Hobrock).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R. Schnurr whose telephone number is (571) 270-1458. The examiner can normally be reached on Monday - Friday, 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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